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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SEC ND APPLICATION	Docket Number (Optional) HOE524
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In re Application of : Rainer LUDWIG
 Application No. 09/758,515
 Filed: January 11, 2001
 For: MONITORING DEVICE

The owner*, MIDDEX-ELECTRONIC GmbH, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/758,513, filed on January 11, 2001, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be unenforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the pat ent grant, in the vent that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

- For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- The undersigned is an attorney of record.

Signature

Oct. 21, '03

Date

Edward J. Timmer

Typed or printed name

1-269-629-9136

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. *Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Received the following: Response to Office Action (2 pages) with a certificate of mailing; 2 Terminal disclaimers (2 pages); a copy of the Recorded Assignment for USSN 09/758,514 (4 pages); a copy of the Recorded Assignment for USSN 09/758,515 (4 pages); and a copy of the Recorded Assignment for USSN 09/758,513 (4 pages); and postal card and check for \$10.00.

Applicant(s): Rainer LUDWIG
Title: MONITORING DEVICE
Serial No.: 09/758,515
Confirmation No.: 8391
Filing Date: January 11, 2001 October 31, 2002
Examiner: Raevis
Group: 2856
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